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**December 8, 2009**

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Honorable Renee Marie Bumb  
United States District Court  
Mitchell H. Cohen U.S. Courthouse  
1 John F. Gerry Plaza  
PO Box 886  
Camden, NJ 08101

RE: Beal Bank, S.S.B. and Beal Bank Nevada, Appellants v. Ad Hoc Committee of  
Holders of 8.5% Senior Secured Notes Due 2015, et al., Appellees  
Case No. 1:09-cv-5137

**NOTICE OF WITHDRAWAL OF APPEAL**

Dear Judge Bumb:

We represent the Appellants, Beal Bank, S.S.B. and Beal Bank Nevada (collectively “Beal Bank”) in the above referenced appeal from an Order of the United States Bankruptcy Court, dated August 31, 2009, which terminated the Debtor’s exclusive period in which to file a proposed Plan of Reorganization and permitted the Appellee, Ad Hoc Committee of Holders of 8.5% Senior Secured Notes Due 2015 to file an alternative competing plan (hereinafter the “Termination Order”). In that regard, please accept this letter as formal notice that Appellant, Beal Bank is hereby withdrawing its appeal of the Termination Order.

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Kindly advise as to whether Your Honor will require the filing of a stipulation or any other pleading in furtherance of Beal Bank's withdrawal of the above-referenced appeal.

Respectfully submitted,

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